

this chapter and in coordinating the activities authorized under this chapter.

(Pub. L. 98-473, title II, § 609V, Oct. 12, 1984, 98 Stat. 2106.)

§ 10511. Limitation on civil justice matters

Federal law enforcement assistance provided under this chapter may not be used with respect to civil justice matters except to the extent that such civil justice matters bear directly and substantially upon criminal justice matters or are inextricably intertwined with criminal justice matters.

(Pub. L. 98-473, title II, § 609W, Oct. 12, 1984, 98 Stat. 2106.)

§ 10512. Issuance of rules

The Attorney General, after consultation with appropriate members of the law enforcement community and with State and local officials, shall issue rules to carry out this chapter.

(Pub. L. 98-473, title II, § 609X, Oct. 12, 1984, 98 Stat. 2107.)

§ 10513. Authorization of appropriations

(a) Assistance in form of funds

There is authorized to be appropriated \$20,000,000 for each fiscal year ending after September 30, 1984, to provide under this chapter Federal law enforcement assistance in the form of funds.

(h) Assistance other than funds

There are authorized to be appropriated for each fiscal year ending after September 30, 1984, such sums as may be necessary to provide under this chapter Federal law enforcement assistance other than funds.

(Pub. L. 98-473, title II, § 609Y, Oct. 12, 1984, 98 Stat. 2107.)

CHAPTER 112—VICTIM COMPENSATION AND ASSISTANCE

Sec.

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- (e) Discrimination prohibited.

- (f) Failure to comply with provisions; notice and hearing; power of Attorney General.

- (h) Report.

§ 10601. Crime Victims Fund

(a) Establishment

There is created in the Treasury a separate account to be known as the Crime Victims Fund (hereinafter in this chapter referred to as the "Fund").

(b) Fines deposited in Fund; penalties; forfeited appearance bonds

Except as limited by subsection (c) of this section, there shall be deposited in the Fund—

- (1) all fines that are collected from persons convicted of offenses against the United States except—

(A) fines available for use by the Secretary of the Treasury pursuant to—

(i) section 11(d) of the Endangered Species Act (16 U.S.C. 1540(d)); and

(ii) section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d)); and

(B) fines to be paid into—

(i) the railroad unemployment insurance account pursuant to the Railroad Unemployment Insurance Act (45 U.S.C. 351 et seq.);

(ii) the Postal Service Fund pursuant to sections 2601(a)(2) and 2003 of title 39 and for the purposes set forth in section 404(a)(8) of title 39;

(iii) the navigable waters revolving fund pursuant to section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321); and

(iv) county public school funds pursuant to section 3613 of title 18;

- (2) penalty assessments collected under section 3013 of title 18;¹

¹ See References in Text note below.

(3) the proceeds of forfeited appearance bonds, bail bonds, and collateral collected under section 3146 of title 18; and

(4) any money ordered to be paid into the Fund under section 3671(c)(2) of title 18.

(c) Excess over \$100 million; deposited in general fund of the Treasury; time limitation on deposit

(1) If the total deposited in the Fund during a particular fiscal year reaches the sum of \$100 million, the excess over that sum shall be deposited in the general fund of the Treasury and shall not be a part of the Fund.

(2) No deposits shall be made in the Fund after September 30, 1988.

(d) Availability of funds for expenditure; percent available for grants under sections 10602 and 10603

(1) Sums deposited in the Fund shall remain in the Fund and be available for expenditure under this subsection for grants under this chapter² without fiscal year limitation.

(2) Fifty percent of the total deposited in the Fund during a particular fiscal year shall be available for grants under section 10602 of this title and fifty percent shall be available for grants under section 10603 of this title.

(e) Amounts awarded and unspent

Any sums awarded as part of a grant under this chapter that remain unspent at the end of a fiscal year in which such grant is made may be expended for the purpose for which such grant is made at any time during the next succeeding fiscal year, at the end of which year any remaining unobligated sums shall be returned to the general fund of the Treasury.

(f) "Offenses against the United States" as excluding
As used in this section, the term "offenses against the United States" does not include—

(1) a criminal violation of the Uniform Code of Military Justice (10 U.S.C. 801 et seq.);

(2) an offense against the laws of the District of Columbia; and

(3) an offense triable by an Indian tribal court or Court of Indian Offenses.

(Pub. L. 98-473, title II, § 1402, Oct. 12, 1984, 98 Stat. 2170.)

REFERENCES IN TEXT

The Railroad Unemployment Insurance Act, referred to in subsec. (b)(1)(B)(i), is act June 25, 1938, ch. 680, 52 Stat. 1094, as amended, which is classified principally to chapter 11 (§ 351 et seq.) of Title 45, Railroads. For complete classification of this Act to the Code, see section 367 of Title 45 and Tables.

Section 3613 of title 18, referred to in subsec. (b)(1)(B)(iv), was repealed effective on the first day of the first calendar month beginning twenty-four months after Oct. 12, 1984 (Nov. 1, 1986), by Pub. L. 98-473, title II, §§ 212(a)(2), 235(a)(1), Oct. 12, 1984, 98 Stat. 1987, 2031.

This chapter, referred to in subsec. (d)(1), was in the original "this title", and has been translated as "this chapter" to reflect the probable intent of Congress because sections 1401 to 1404 and 1407 of Pub. L. 98-473, which are classified to this chapter, were a part of chapter XIV of Pub. L. 98-473.

The Uniform Code of Military Justice, referred to in subsec. (f)(1), is classified generally to chapter 47 (§ 801 et seq.) of Title 10, Armed Forces.

²See References in Text note below.

EFFECTIVE DATE

Section 1409 of chapter XIV of title II of Pub. L. 98-473 provided that:

"(a) Except as provided in subsection (b), this chapter [see Short Title note below] and the amendments made by this chapter shall take effect thirty days after the date of enactment of this joint resolution [Oct. 12, 1984].

"(b) Sections 1402, 1403, 1404, and 1407 of this chapter [enacting this chapter] shall take effect on October 1, 1984."

SHORT TITLE

Section 1401 of chapter XIV of title II of Pub. L. 98-473 provided that: "This chapter [enacting this chapter and sections 3013, 3671 and 3672 of Title 18, Crimes and Criminal Procedure, and amending sections 3150a, 4207 and 4215 of Title 18, and provisions set out as a note under section 1512 of Title 18] may be cited as the 'Victims of Crime Act of 1984'."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 10604 of this title.

§ 10602. Crime victim compensation

(a) Authority of Attorney General; grants

(1) Except as provided in paragraph (2), the Attorney General shall make an annual grant from the Fund to an eligible crime victim compensation program of 35 percent of the amounts awarded during the preceding fiscal year, other than amounts awarded for property damage. A grant under this section shall be used by such program only for awards of compensation.

(2) If the sums available in the Fund for grants under this section are insufficient to provide grants of 35 percent as provided in paragraph (1), the Attorney General shall make, from the sums available, a grant to each eligible crime victim compensation program so that all such programs receive the same percentage of the amounts awarded by such program during the preceding fiscal year, other than amounts awarded for property damage.

(b) Eligible crime victim compensation programs

A crime victim compensation program is an eligible crime victim compensation program for the purposes of this section if—

(1) such program is operated by a State and offers compensation to victims of crime and survivors of victims of crime for—

(A) medical expenses attributable to a physical injury resulting from compensable crime, including expenses for mental health counseling and care;

(B) loss of wages attributable to a physical injury resulting from a compensable crime; and

(C) funeral expenses attributable to a death resulting from a compensable crime;

(2) such program promotes victim cooperation with the reasonable requests of law enforcement authorities;

(3) such State certifies that grants received under this section will not be used to supplant State funds otherwise available to provide crime victim compensation;

(4) such program, as to compensable crimes occurring within the State, makes compensation awards to victims who are nonresidents of the State on the basis of the same criteria used to make awards to victims who are residents of such State;

(5) such program provides compensation to victims of crimes occurring within such State that would be compensable crimes, but for the fact that such crimes are subject to Federal jurisdiction, on the same basis that such program provides compensation to victims of compensable crimes; and

(6) such program provides such other information and assurances related to the purposes of this section as the Attorney General may reasonably require.

(c) Eligibility of State program already in effect

A State crime victim compensation program in effect on the date grants may first be made under this section shall be deemed an eligible crime victim compensation program for the purposes of this section until the day after the close of the first regular session of the legislature of that State that begins after such date.

(d) Definitions

As used in this section—

(1) the term "property damage" does not include damage to prosthetic devices or dental devices;

(2) the term "medical expenses" includes, to the extent provided under the eligible crime victim compensation program, expenses for dental services and devices and prosthetic devices and for services rendered in accordance with a method of healing recognized by the law of the State;

(3) the term "compensable crime" means a crime the victims of which are eligible for compensation under the eligible crime victim compensation program; and

(4) the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and any other possession or territory of the United States.

(Pub. L. 98-473, title II, § 1403, Oct. 12, 1984, 98 Stat. 2171.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 10601, 10603 of this title.

§ 10603. Crime victim assistance

(a) Grant authority of Attorney General; chief executive of States; amount; insufficient funds

(1) Subject to the availability of money in the Fund, the Attorney General shall make an annual grant from any portion of the Fund not used for grants under section 10602 of this title with respect to a particular fiscal year, and after any deduction under subsection (c) of this section, to the chief executive of each State for the financial support of eligible crime victim assistance programs.

(2) Such chief executive shall—

(A) certify that priority shall be given to eligible crime victim assistance programs providing assistance to victims of sexual assault, spousal abuse, or child abuse;

(B) certify that funds awarded to eligible crime victim assistance programs will not be used to supplant State and local funds otherwise available for crime victim assistance; and

(C) provide such other information and assurances related to the purposes of this section as the Attorney General may reasonably require.

(3) The amounts of grants under paragraph (1) shall be—

(A) \$100,000 to each State; and

(B) that portion of the then remaining available money to each State that results from a distribution among the States on the basis of each State's population in relation to the population of all States.

(4) If the amount available for grants under paragraph (1) is insufficient to provide \$100,000 to each State, the funds available shall be distributed equally among the States.

(b) Eligibility of program; factors; limitation on expending of sums

(1) A victim assistance program is an eligible crime victim assistance program for the purposes of this section if such program—

(A) is operated by a public agency or a non-profit organization, or a combination of such agencies or organizations or of both such agencies and organizations, and provides services to victims of crime;

(B) demonstrates—

(i) a record of providing effective services to victims of crime and financial support from sources other than the Fund; or

(ii) substantial financial support from sources other than the Fund;

(C) utilizes volunteers in providing such services, unless and to the extent the chief executive determines that compelling reasons exist to waive this requirement;

(D) promotes within the community served coordinated public and private efforts to aid crime victims; and

(E) assists potential recipients in seeking crime victim compensation benefits.

(2) An eligible crime victim assistance program shall expend sums received under subsection (a) of this section only for providing services to victims of crime.

(c) Deduction; expenditure for victims of Federal crimes; reimbursement of other instrumentalities; Federal Crime Victim Assistance Administrator; duties

(1) The Attorney General may in any fiscal year deduct from amounts available under this section an amount not to exceed 5 percent of the amount in the Fund, and may expend the amount so deducted to provide services to victims of Federal crimes by the Department of Justice, or reimburse other instrumentalities of the Federal Government otherwise authorized to provide such services.

(2) The Attorney General shall appoint or designate an official of the Department of Justice to be the Federal Crime Victim Assistance Administrator (hereinafter in this chapter referred to as the "Federal Administrator") to ex-

ercise the responsibilities of the Attorney General under this subsection.

(3) The Federal Administrator shall—

(A) be responsible for monitoring compliance with guidelines for fair treatment of crime victims and witnesses issued under section 6 of the Victim and Witness Protection Act of 1982 (Public Law 97-291) [18 U.S.C. 1512 note];

(B) consult with the heads of Federal law enforcement agencies that have responsibilities affecting victims of Federal crimes;

(C) coordinate victim services provided by the Federal Government with victim services offered by other public agencies and nonprofit organizations; and

(D) perform such other functions related to the purposes of this title as the Attorney General may assign.

(4) The Attorney General may reimburse other instrumentalities of the Federal Government and contract for the performance of functions authorized under this subsection.

(d) Definitions

As used in this section—

(1) the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and, except for the purposes of paragraphs (3)(A) and (4) of subsection (a) of this section, any other territory or possession of the United States; and

(2) the term "services to victims of crime" includes—

(A) crises intervention services;

(B) providing, in an emergency, transportation to court, short-term child care services, and temporary housing and security measures;

(C) assistance in participating in criminal justice proceedings; and

(D) payment of all reasonable costs for a forensic medical examination of a crime victim, to the extent that such costs are otherwise not reimbursed or paid;

(3) the term "services to victims of Federal crime" means services to victims of crime with respect to Federal crime, and includes—

(A) training of law enforcement personnel in the delivery of services to victims of Federal crime;

(B) preparation, publication, and distribution of informational materials—

(i) setting forth services offered to victims of crime; and

(ii) concerning services to victims of Federal crime for use by Federal law enforcement personnel; and

(C) salaries of personnel who provide services to victims of crime, to the extent that such personnel provide such services;

(4) the term "crises intervention services" means counseling to provide emotional support in crises arising from the occurrence of crime; and

(5) the term "chief executive" includes a person designated by a chief executive to perform the functions of the chief executive under this section.

(Pub. L. 98-473, title II, § 1404, Oct. 12, 1984, 98 Stat. 2172.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 10601 of this title.

§ 10604. Administrative provisions

(a) Authority of Attorney General; establishment of rules and regulations; delegation of functions

The Attorney General may establish such rules, regulations, guidelines, and procedures as are necessary to carry out any function of the Attorney General under this chapter and may delegate to any officer or employee of the Department of Justice any such function as the Attorney General deems appropriate.

(b) Recordkeeping

Each recipient of sums under this chapter shall keep such records as the Attorney General shall prescribe, including records that fully disclose the amount and disposition by such recipient of such sums, the total cost of the undertaking for which such sums are used, and that portion of the cost of the undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(c) Attorney General; access; books and records; audits and examinations; expenditure of funds

The Attorney General or any duly authorized representative of the Attorney General shall have access, for purpose of audit and examination, to any books, documents, papers, and records of the recipient of sums under this chapter that, in the opinion of the Attorney General or any duly authorized representative of the Attorney General, may be related to the expenditure of funds received under this chapter.

(d) Revealing research or statistical information; prohibition; immunity from legal proceedings; permission; admission of information as evidence

Except as otherwise provided by Federal law, no officer or employee of the Federal Government, and no recipient of sums under this chapter, shall use or reveal any research or statistical information furnished under this chapter by any person and identifiable to any specific private person for any purpose other than the purpose for which such information was obtained in accordance with this chapter. Such information, and any copy of such information, shall be immune from legal process and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial, legislative, or administrative proceeding.

(e) Discrimination prohibited

No person shall on the ground of race, color, religion, national origin, handicap, or sex be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with, any undertaking funded in whole or in part with sums made available under this chapter.

(f) Failure to comply with provisions; notice and hearing; power of Attorney General

If, after reasonable notice and opportunity for a hearing on the record, the Attorney General finds that a State has failed to comply substantially with any provision of this chapter or a rule, regulation, guideline, or procedure issued under this chapter, or an application submitted in accordance with this chapter or the provisions of any other applicable law, the Attorney General shall—

- (1) terminate payments to such State;
- (2) suspend payments to such State until the Attorney General is satisfied that such noncompliance has ended; or
- (3) take such other action as the Attorney General deems appropriate.

(h) ³ Report

The Attorney General shall, no later than December 31, 1987, report to the President and to the Congress on the revenue derived from each source described in section 10601 ⁴ of this title and on the effectiveness of the activities supported under this chapter. The Attorney General may include in such report recommendations for legislation to improve this chapter.

(Pub. L. 98-473, title II, § 1407, Oct. 12, 1984, 98 Stat. 2176.)

REFERENCES IN TEXT

In subsec. (h), "section 10601 of this title" was in the original "section 1302" and was translated as "section 1402" to reflect the probable intent of Congress.

CHAPTER 113—STATE JUSTICE INSTITUTE

Sec.

10701. Definitions.

10702. Establishment of Institute; duties.

- (a) Establishment; purpose; incorporation; powers.
- (b) Duties.
- (c) Duplication of functions; responsibility of State agencies.
- (d) Maintenance of offices in State of incorporation; agent for receipt of service of process.
- (e) Tax status of Institute and programs assisted thereby.
- (f) Rules, regulations, etc.; notice and comment.

10703. Board of Directors.

- (a) Appointment and membership.
- (b) Term of office.
- (c) Reappointment.
- (d) Compensation; reimbursement for expenses.
- (e) Status of members of Board as officers and employees of United States.
- (f) Voting rights of Board members; quorum; action of Board on concurrence of majority.
- (g) Chairman; initial selection and term of office; subsequent annual election.
- (h) Grounds for removal of members.
- (i) Quarterly meetings of Board; special meetings.
- (j) Open meetings.
- (k) Duties and functions of Board.

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10704.

Officers and employees.

- (a) Duties of Director; appointment and removal of employees; political tests or qualifications prohibited.
- (b) Compensation.
- (c) Status of Institute as department, agency, or instrumentality of Federal Government; authority of Office of Management and Budget.
- (d) Status of officers and employees of Institute as officers and employees of United States.
- (e) Freedom of information requirements.

10705.

Grants and contracts.

- (a) Authority of Institute; purposes of grants.
- (b) Priority in making awards; alternative recipients; approval of applications; receipt and administration of funds; accountability.
- (c) Permissible uses of funds.
- (d) Matching fund requirements.
- (e) Compliance monitoring and evaluation by Institute.
- (f) Independent study of financial and technical assistance programs.

10706.

Limitations on grants and contracts.

- (a) Duties of Institute.
- (b) Use of funds for training programs for advocacy of nonjudicial public policies or encouraging nonjudicial political activities.
- (c) Authority coextensive with appropriation Acts.
- (d) Prohibited uses of funds.

10707.

Restrictions on activities of Institute.

- (a) Litigation; interference with independence of State judiciary; funding of State judicial system activities other than pursuant to this chapter; legislative lobbying.
- (b) Issuance of shares of stock; declaration of dividends; compensation for services; reimbursement for expenses; political activities.
- (c) Identification of Institute with political activities.

10708.

Special procedures.

10709.

Presidential coordination.

10710.

Records and reports.

- (a) Reports.
- (b) Records.
- (c) Submission of copies of reports to recipients; maintenance in principal office of Institute; availability for public inspection; furnishing of copies to interested parties.
- (d) Funds accounted for and reported as receipts and disbursements separate and distinct from Federal funds.

10711.

Audits.

- (a) Time and place of audits; standards; availability of books, accounts, facilities, etc., to auditors; filing of report and availability for public inspection.
- (b) Additional audits; requirements; reports and recommendations to Congress and Attorney General.
- (c) Annual audits by Institute or recipients; reports; submission of copies to Comptroller General; inspection of books, accounts, etc., availability of audit reports for public inspection.

10712.

Report by Attorney General.

10713.

Authorizations.

³So in original. Section enacted without a subsec. (g).

⁴See References in Text note below.